

**UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

In re: Thomas Demetrius Green and Siwana
Sheron Green

Debtor(s)

Bayview Loan Servicing, LLC, or its Successor or
Assignee

Movant

vs.

Thomas Demetrius Green and Siwana Sheron
Green

Charles J. DeHart, III (Trustee)

Respondent(s)

Chapter 13

Bankruptcy No. 16-04795 JJT

SETTLEMENT STIPULATION

WHEREAS, on November 22, 2016, Thomas Demetrius Green and Siwana Sheron Green (the "Debtors") filed a Petition under Chapter 13 of the Bankruptcy Code in the United States Bankruptcy Court for the Middle District of Pennsylvania;

WHEREAS, on May 4, 2017, Bayview Loan Servicing, LLC (Movant) filed a Motion for Relief from the Automatic Stay pursuant to 11 U.S.C. Section 362(a) (the "Motion") regarding property located at : 67-69 St. Nicholas Avenue, New York, New York 10026;

WHEREAS, Movant and the Debtors are desirous of settling the dispute among and between themselves;

NOW THEREFORE, each in consideration of the promises of the other and intending to be legally bound, subject to the approval of the Bankruptcy Court, it is hereby agreed by and among counsel for Movant, by and through its attorneys, ANN E. SWARTZ, ESQUIRE, CELINE P. DERKRIKORIAN, ESQUIRE, and ALEXANDRA T. GARCIA, ESQUIRE and the Debtors, by and through his counsel, Patrick James Best, ("Debtors' Counsel") as follows:

1. The parties hereby certify that the post-petition delinquency is \$7,264.60,

consisting of post-petition payments for the months of January 1, 2017 through June 1, 2017. Debtors' monthly mortgage payment is \$1,045.29. Movant has incurred attorney fees and costs totaling \$1,031.00. Debtor is credited with funds in suspense in the amount of \$38.14.

2. Within thirty (30) days of the date of this Stipulation, the Debtors shall file an Amended Chapter 13 Plan to provide cure for the balance of the post-petition delinquency in the amount of \$6,271.74, attorney fees and costs of \$1,031.00 and credit for a suspense balance of \$38.14 for a total of \$7,264.60 as referenced in Paragraph 1 of the Stipulation.

3. Upon filing of the Amended Chapter 13 Plan, Movant shall amend its Proof of Claim to include the balance of the post-petition delinquency in the amount of \$6,271.74, attorney fees and costs of \$1,031.00 and credit for a suspense balance of \$38.14 for a total of \$7,264.60 as referenced in Paragraph 2 of this Stipulation.

4. Debtor shall resume making regular monthly mortgage payments in the amount of \$1,045.29 beginning July 1, 2017.

5. All payments are to be made by certified check or money order and made payable to Bayview Loan Servicing, LLC at the following address: Bayview Loan Servicing, LLC, 4425 Ponce de Leon Boulevard, 5th Floor, Coral Gables, FL 33146. Please remember to write your loan number on the lower lefthand corner of your payment to ensure proper processing.

6. Should Debtors fail to comply with any of the terms of this Stipulation, including but not limited to, failure to make the above described payments, or any regular monthly mortgage payment commencing after the cure of the post-petition delinquency, then Movant may send Debtors and counsel a written notice of default of this Stipulation. If the default is not cured within ten (10) days of the date of the notice, counsel for Movant may file a Certification of Default with the Court. Said Certification of Default may include a certification of Debtors' failure to pay subsequent payments that fall due after the date of the notice of default. Upon Certification, the Court shall enter an Order granting relief from the automatic stay as to the

mortgaged property.


7. In the event an Order granting relief is entered, Parties agree that Rule 4001 (a)(3) is not applicable and Movant may immediately enforce and implement its Order granting relief from stay.

8. In the event the Debtors convert their case to Chapter 11, the terms of this Stipulation shall remain in full force and effect. In the event that Debtors convert their case to a Chapter 7, Debtors shall cure all pre-petition and post-petition arrears within ten (10) days of the date of conversion. Failure to cure the arrears shall constitute an event of default under this Stipulation and Movant may send Notice of Default and certify default as set forth in the preceding paragraph.

9. Attorney fees and costs for issuing Notice to Cure, Notice / Certificate / Affidavit of Default, and order for relief are recoverable and may be added to the arrearage.

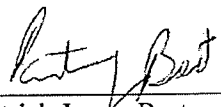
10. Counsel for Debtor has authority to settle this matter on behalf of his/her clients.

11. The Parties request that the Court enter the attached proposed Order.


ANN E. SWARTZ, ESQUIRE
CELINE P. DERKRIKORIAN, ESQUIRE
ALEXANDRA T. GARCIA, ESQUIRE
McCabe, Weisberg & Conway, P.C.
Wells Fargo Bank Building
123 S. Broad Street, Suite 1400
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Attorney for Movant

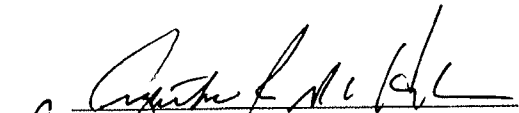
Dated:

7/5/2017


Patrick James Best
ARM Lawyers
202 Delaware Avenue
Palmerton, Pennsylvania 18071

Dated:

6/23/17


Charles J. DeHart, III (Trustee)
8125 Adams Drive, Suite A
Hummelstown, Pennsylvania 17036

6/30/17
Dated:

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ORDER GRANTING SETTLEMENT STIPULATION

It is hereby ORDERED that the Stipulation to Settle Motion of Bayview Loan Servicing, LLC for Relief from the Automatic Stay is hereby APPROVED.